



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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§

Application of: Turner, Jr. *et al.* Appeal No.: 2004-1040
Serial No.: 09/770,643 Group Art Unit: 1647
Filed: 01/26/2001 Examiner: R. Landsman
For: Polynucleotides Encoding Human Neurexin-Like Atty Docket No.: LEX-0122-USA
Proteins (As Amended)

**PETITION TO REVIVE AN UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents
Alexandria, VA 22313

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DEC 09 2004
OFFICE OF PETITIONS

Sir:

Appellants acknowledge the receipt of the Decision on Appeal mailed on September 24, 2004 (Paper No. 23). At this time, it has become apparent that Appellants have unintentionally failed to file a Continuation Application based on this case and that, therefore, the present application has unintentionally gone abandoned. Appellants hereby state that the entire delay in filing the Continuation Application from the due date for the reply (November 24, 2004) until the filing date of this petition (today, November 29, 2004) was caused by a clerical oversight and was thus unintentional. Additionally, herewith, Appellants submit a Continuation Application based on the present case. Appellants therefore respectfully request that the present unintentionally abandoned application be revived in accordance with 37 C.F.R. § 1.137(b) in order to perfect co-pendency with the filing date of the subsequently filed Continuation Application.

Appellants believe no fees in addition to the required petition fee is needed to revive the above-identified unintentionally abandoned application. However, if this is incorrect the Commissioner is authorized to charge any required fees or credit any overpayment to Deposit Account No. 50-0892.

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Respectfully submitted,

November 29, 2004
Date

David W. Hibler
David W. Hibler
Agent For Appellants

Reg. No. 41,071

LEXICON GENETICS INCORPORATED
(281) 863-3399

Customer # 24231